

## Fishery Conservation and Management

§ 622.34

Point	North lat.	West long.
D .....	18°10.7'	65°06.0'
A .....	18°13.2'	65°06.0'

### (3) *West of Puerto Rico*—(i) *Bajo de Cico*.

Point	North lat.	West long.
A .....	18°15.7'	67°26.4'
B .....	18°15.7'	67°23.2'
C .....	18°12.7'	67°23.4'
D .....	18°12.7'	67°26.4'
A .....	18°15.7'	67°26.4'

### (ii) *Tourmaline Bank*.

Point	North lat.	West long.
A .....	18°11.2'	67°22.4'
B .....	18°11.2'	67°19.2'
C .....	18°08.2'	67°19.2'
D .....	18°08.2'	67°22.4'
A .....	18°11.2'	67°22.4'

### (iii) *Abrir La Sierra Bank*.

Point	North lat.	West long.
A .....	18°06.5'	67°26.9'
B .....	18°06.5'	67°23.9'
C .....	18°03.5'	67°23.9'
D .....	18°03.5'	67°26.9'
A .....	18°06.5'	67°26.9'

(c) *Queen conch closure*. From July 1 through September 30, each year, no person may fish for queen conch in the Caribbean EEZ and no person may possess on board a fishing vessel a queen conch in or from the Caribbean EEZ.

[61 FR 34934, July 3, 1996, as amended at 61 FR 64486, Dec. 5, 1996; 61 FR 65483, Dec. 13, 1996]

## § 622.34 Gulf EEZ seasonal and/or area closures.

(a) *Alabama SMZ*. The Alabama SMZ consists of artificial reefs and surrounding areas. In the Alabama SMZ, fishing by a vessel that is operating as a charter vessel or headboat, a vessel that does not have a commercial permit for Gulf reef fish, as required under § 622.4(a)(2), or a vessel with such a permit fishing for Gulf reef fish is limited to hook-and-line gear with three or fewer hooks per line and spearfishing gear. A person aboard a vessel that uses on any trip gear other than hook-and-line gear with three or fewer hooks per line and spearfishing gear in the Alabama SMZ is limited on that trip to the bag limits for Gulf reef fish specified in § 622.39(b) and, for Gulf reef fish

for which no bag limit is specified in § 622.39(b), the vessel is limited to 5 percent, by weight, of all fish on board or landed. The Alabama SMZ is bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
A .....	30°02.5'	88°07.7'
B .....	30°02.6'	87°59.3'
C .....	29°55.0'	87°55.5'
D .....	29°54.5'	88°07.5'
A .....	30°02.5'	88°07.7'

(b) *Florida middle grounds HAPC*. Fishing with a bottom longline, bottom trawl, dredge, pot, or trap is prohibited year round in the area bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
A .....	28°42.5'	84°24.8'
B .....	28°42.5'	84°16.3'
C .....	28°11.0'	84°00.0'
D .....	28°11.0'	84°07.0'
E .....	28°26.6'	84°24.8'
A .....	28°42.5'	84°24.8'

(c) *Reef fish longline and buoy gear restricted area*. A person aboard a vessel that uses, on any trip, longline or buoy gear in the longline and buoy gear restricted area is limited on that trip to the bag limits for Gulf reef fish specified in § 622.39(b)(1) and, for Gulf reef fish for which no bag limit is specified in § 622.39(b)(1), the vessel is limited to 5 percent, by weight, of all fish on board or landed. The longline and buoy gear restricted area is that part of the Gulf EEZ shoreward of rhumb lines connecting, in order, the points listed in Table 1, in Appendix B of this part.

(d) *Riley's Hump seasonal closure*. From May 1 through June 30, each year, fishing is prohibited in the following area bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
A .....	24°32.2'	83°08.7'
B .....	24°32.2'	83°05.2'
C .....	24°28.7'	83°05.2'
D .....	24°28.7'	83°08.7'
A .....	24°32.2'	83°08.7'

(e) *Shrimp/stone crab separation zones*. Five zones are established in the Gulf EEZ and Florida's waters off Citrus

and Hernando Counties for the separation of shrimp trawling and stone crab trapping. Although Zone II is entirely within Florida's waters, it is included in this paragraph (e) for the convenience of fishermen. Restrictions that apply to Zone II and those parts of the other zones that are in Florida's waters are contained in Rule 46–38.001, Florida Administrative Code. Geographical coordinates of the points referred to in this paragraph (e) are as follows:

Point	North lat.	West long.
A .....	28°59'30"	82°45'36"
B .....	28°59'30"	83°00'10"
C .....	28°26'01"	82°59'47"
D .....	28°26'01"	82°56'54"
E .....	28°41'39"	82°55'25"
F .....	28°41'39"	82°56'09"
G .....	28°48'56"	82°56'19"
H .....	28°53'51"	82°51'19"
I <sup>1</sup> .....	28°54'43"	82°44'52"
J <sup>2</sup> .....	28°51'09"	82°44'00"
K .....	28°50'59"	82°54'16"
L .....	28°41'39"	82°53'56"
M <sup>3</sup> .....	28°41'39"	82°38'46"
N .....	28°41'39"	82°53'12"
O .....	28°30'51"	82°55'11"
P .....	28°40'00"	82°53'08"
Q .....	28°40'00"	82°47'58"
R .....	28°35'14"	82°47'47"
S .....	28°30'51"	82°52'55"
T .....	28°27'46"	82°55'09"
U .....	28°30'51"	82°52'09"

<sup>1</sup> Crystal River Entrance Light 1A.

<sup>2</sup> Long Pt. (southwest tip).

<sup>3</sup> Shoreline.

(1) *Zone I* is enclosed by rhumb lines connecting, in order, points A, B, C, D, T, E, F, G, H, I, and J, plus the shoreline between points A and J. It is unlawful to trawl in that part of Zone I that is in the EEZ from October 5 through May 20, each year.

(2) *Zone II* is enclosed by rhumb lines connecting, in order, points J, I, H, K, L, and M, plus the shoreline between points J and M.

(3) *Zone III* is enclosed by rhumb lines connecting, in order, points P, Q, R, U, S, and P. It is unlawful to trawl in that part of Zone III that is in the EEZ from October 5 through May 20, each year.

(4) *Zone IV* is enclosed by rhumb lines connecting, in order, points E, N, S, O, and E.

(i) It is unlawful to place a stone crab trap in that part of Zone IV that is in the EEZ from October 5 through December 1 and from April 2 through May 20, each year.

(ii) It is unlawful to trawl in that part of Zone IV that is in the EEZ from December 2 through April 1, each year.

(5) *Zone V* is enclosed by rhumb lines connecting, in order, points F, G, K, L, and F.

(i) It is unlawful to place a stone crab trap in that part of Zone V that is in the EEZ from October 5 through November 30 and from March 16 through May 20, each year.

(ii) It is unlawful to trawl in that part of Zone V that is in the EEZ from December 1 through March 15, each year.

(f) *Southwest Florida seasonal trawl closure.* From January 1 to 1 hour after sunset on May 20, each year, trawling, including trawling for live bait, is prohibited in that part of the Gulf EEZ shoreward of rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
B <sup>1</sup> .....	26°16.0'	81°58.5'
C .....	26°00.0'	82°04.0'
D .....	25°09.0'	81°47.6'
E .....	24°54.5'	81°50.5'
M <sup>1</sup> .....	24°49.3'	81°46.4'

<sup>1</sup> On the seaward limit of Florida's waters.

(g) *Reef fish stressed area.* The stressed area is that part of the Gulf EEZ shoreward of rhumb lines connecting, in order, the points listed in Table 2, in Appendix B of this part.

(1) A powerhead may not be used in the stressed area to take Gulf reef fish. Possession of a powerhead and a mutilated Gulf reef fish in the stressed area or after having fished in the stressed area constitutes *prima facie* evidence that such reef fish was taken with a powerhead in the stressed area. The provisions of this paragraph do not apply to the following species: dwarf sand perch, hogfish, queen triggerfish, and sand perch.

(2) A roller trawl may not be used in the stressed area. Roller trawl means a trawl net equipped with a series of large, solid rollers separated by several smaller spacer rollers on a separate cable or line (sweep) connected to the footrope, which makes it possible to fish the gear over rough bottom, that is, in areas unsuitable for fishing conventional shrimp trawls. Rigid framed trawls adapted for shrimping over uneven bottom, in wide use along the

west coast of Florida, and shrimp trawls with hollow plastic rollers for fishing on soft bottoms, are not considered roller trawls.

(3) A fish trap may not be used in the stressed area. A fish trap used in the stressed area will be considered unclaimed or abandoned property and may be disposed of in any appropriate manner by the Assistant Administrator (including an authorized officer).

(h) *Texas closure.* (1) From 30 minutes after sunset on May 15 to 30 minutes after sunset on July 15, trawling, except trawling for royal red shrimp beyond the 100-fathom (183-m) depth contour, is prohibited in the Gulf EEZ off Texas.

(2) In accordance with the procedures and restrictions of the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico, the RD may adjust the closing and/or opening date of the Texas closure to provide an earlier, later, shorter, or longer closure, but the duration of the closure may not exceed 90 days or be less than 45 days. Notification of the adjustment of the closing or opening date will be published in the FEDERAL REGISTER.

(i) *Tortugas shrimp sanctuary.* (1) The Tortugas shrimp sanctuary is closed to trawling. The Tortugas shrimp sanctuary is that part of the EEZ off Florida shoreward of rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
N <sup>1</sup> .....	25°52.9'	81°37.9'
F .....	24°50.7'	81°51.3'
G <sup>2</sup> .....	24°40.1'	82°26.7'
H <sup>3</sup> .....	24°34.7'	82°35.2'
P <sup>4</sup> .....	24°35.0'	82°08.0'

<sup>1</sup> Coon Key Light.

<sup>2</sup> New Ground Rocks Light.

<sup>3</sup> Rebecca Shoal Light.

<sup>4</sup> Marquessas Keys.

(2) The provisions of paragraph (i)(1) of this section notwithstanding—

(i) Effective from April 11 through September 30, each year, that part of the Tortugas shrimp sanctuary seaward of rhumb lines connecting the following points is open to trawling: From point T at 24°47.8' N. lat., 82°01.0' W. long. to point U at 24°43.83' N. lat., 82°01.0' W. long. (on the line denoting the seaward limit of Florida's waters); thence along the seaward limit of Flor-

ida's waters, as shown on the current edition of NOAA chart 11439, to point V at 24°42.55' N. lat., 82°15.0' W. long.; thence north to point W at 24°43.6' N. lat., 82°15.0' W. long.

(ii) Effective from April 11 through July 31, each year, that part of the Tortugas shrimp sanctuary seaward of rhumb lines connecting the following points is open to trawling: From point W to point V, both points as specified in paragraph (i)(2)(i) of this section, to point G, as specified in paragraph (i)(1) of this section.

(iii) Effective from May 26 through July 31, each year, that part of the Tortugas shrimp sanctuary seaward of rhumb lines connecting the following points is open to trawling: From point F, as specified in paragraph (i)(1) of this section, to point Q at 24°46.7' N. lat., 81°52.2' W. long. (on the line denoting the seaward limit of Florida's waters); thence along the seaward limit of Florida's waters, as shown on the current edition of NOAA chart 11439, to point U and north to point T, both points as specified in paragraph (i)(2)(i) of this section.

(j) *West and East Flower Garden Banks HAPC.* Fishing with a bottom longline, bottom trawl, dredge, pot, or trap is prohibited year-round in the HAPC. The West and East Flower Garden Banks are geographically centered at 27°52'14.21" N. lat., 93°48'54.79" W. long. and 27°55'07.44" N. lat., 93°36'08.49" W. long., respectively. The HAPC extends from these centers to the 50-fathom (300-ft) (91.4-m) isobath.

(k) *Wild live rock area closures.* No person may harvest or possess wild live rock in the Gulf EEZ—

(1) North and west of a line extending in a direction of 235° from true north from a point at the mouth of the Suwannee River at 29°17.25' N. lat., 83°09.9' W. long. (the Levy/Dixie County, FL, boundary); or

(2) South of 25°20.4' N. lat. (due west from the Monroe/Collier County, FL, boundary).

(l) *Closures of the commercial fishery for red snapper.* The commercial fishery for red snapper in or from the Gulf EEZ is closed from January 1 to noon on February 1 and thereafter from noon on the 15th of each month to noon on the first of each succeeding month. All

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times are local times. During these closed periods, the possession of red snapper in or from the Gulf EEZ and in the Gulf on board a vessel for which a commercial permit for Gulf reef fish has been issued, as required under § 622.4(a)(2)(v), without regard to where such red snapper were harvested, is limited to the bag and possession limits, as specified in § 622.39(b)(1)(iii) and (b)(2), respectively, and such red snapper are subject to the prohibition on sale or purchase of red snapper possessed under the bag limit, as specified in § 622.45(c)(1). However, when the recreational quota for red snapper has been reached and the bag and possession limit has been reduced to zero, such possession during a closed period is zero.

[61 FR 34934, July 3, 1996, as amended at 61 FR 48642, Sept. 16, 1996; 62 FR 46679, Sept. 4, 1997; 62 FR 47767, Sept. 11, 1997; 62 FR 67722, Dec. 30, 1997]

EFFECTIVE DATE NOTE: At 63 FR 18146, Apr. 14, 1998, in § 622.34, paragraph (l) was suspended and paragraph (m) was added, effective Apr. 29, 1998, through Oct. 13, 1998. For the convenience of the user, the added text follows:

**§ 622.34 Gulf EEZ seasonal and/or area closures.**

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(m) *Closures of the commercial fishery for red snapper.* The commercial fishery for red snapper in or from the Gulf EEZ is closed from January 1 to noon on February 1 and thereafter from noon on the 15th of each month to noon on the first of each succeeding month. All times are local times. During these closed periods, the possession of red snapper in or from the Gulf EEZ and in the Gulf on board a vessel for which a commercial permit for Gulf reef fish has been issued, as required under § 622.4(a)(2)(v), without regard to where such red snapper were harvested, is limited to the bag and possession limits, as specified in § 622.39(b)(1)(vi) and (b)(2), respectively, and such red snapper are subject to the prohibition on sale or purchase of red snapper possessed under the bag limit, as specified in § 622.45(c)(1). However, when the recreational quota for red snapper has been reached and the bag and posses-

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sion limit has been reduced to zero, such possession during a closed period is zero.

**§ 622.35 South Atlantic EEZ seasonal and/or area closures.**

(a) *Allowable octocoral closed area.* No person may harvest or possess allowable octocoral in the South Atlantic EEZ north of 28°35.1' N. lat. (due east of the NASA Vehicle Assembly Building, Cape Canaveral, FL).

(b) *Longline closed areas.* A longline may not be used to fish in the EEZ for South Atlantic snapper-grouper south of 27°10' N. lat. (due east of the entrance to St. Lucie Inlet, FL); or north of 27°10' N. lat. where the charted depth is less than 50 fathoms (91.4 m), as shown on the latest edition of the largest scale NOAA chart of the location. A person aboard a vessel with a longline on board that fishes on a trip in the South Atlantic EEZ south of 27°10' N. lat., or north of 27°10' N. lat. where the charted depth is less than 50 fathoms (91.4 m), is limited on that trip to the bag limit for South Atlantic snapper-grouper for which a bag limit is specified in § 622.39(d)(1), and to zero for all other South Atlantic snapper-grouper. For the purpose of this paragraph, a vessel is considered to have a longline on board when a power-operated longline hauler, a cable or monofilament of diameter and length suitable for use in the longline fishery, and gangions are on board. Removal of any one of these three elements constitutes removal of a longline.

(c) *Oculina Bank HAPC.* The Oculina Bank HAPC is bounded on the north by 27°53' N. lat., on the south by 27°30' N. lat., on the east by 79°56' W. long., and on the west by 80°00' W. long. In the Oculina Bank HAPC:

(1) Fishing with a bottom longline, bottom trawl, dredge, pot, or trap is prohibited.

(2) A fishing vessel may not anchor, use an anchor and chain, or use a grapple and chain.

(3) No fishing for South Atlantic snapper-grouper is allowed, and South Atlantic snapper-grouper may not be retained, in or from the HAPC. South Atlantic snapper-grouper taken incidentally in the HAPC by hook-and-line gear must be released immediately by